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EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/885,795	Applicant(s) MOREY, DALE D.	
	Examiner Michael Van Handel	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/21/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is responsive to an Amendment filed 11/21/2005. Claims **1-24** are pending. Claims **1, 3, 6-24** are amended. The examiner hereby withdraws the objections to the drawings, specification, and claims in view of the amendments.

Response to Arguments

1. Applicant's arguments filed 11/21/2005 with respect to claims **1-24** have been fully considered but they are not persuasive.

Regarding Claim Rejections Under 35 USC § 102

The applicant argues that Kikinis fails to disclose “a CPU which upon command creates an information request based on a unique code for access to a database and an A/V connection which provides a connection to the internet for receiving information associated with said information request.” The examiner respectfully disagrees. Kikinis discloses receiving and processing circuitry, which receives a data stream having image frame data and an Internet Universal Resource Locator (URL) identifying an Internet source. The control circuitry accesses the Internet, causes a Browser to access the Internet source, and downloads and displays a WEB page from the Internet source (the examiner notes that a URL is a unique code)(col. 3, l. 49-53).

The applicant argues that Kikinis fails to disclose “generating and sending an information request to an external database associated with a selected item” and “receiving information from

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said external database for said information request of said displayed item from said audio-visual signal.” The examiner respectfully disagrees. Kikinis discloses executing browser routines, accessing the WWW, and dialing up a WEB server (generating and sending an information request to an external database)(col. 7, l. 57-65). Kikinis further discloses downloading and displaying a WEB page in response to an information request (col. 8, l. 3-8).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “A first request to the database returns information links based on the codes and scene content. These information links may contain a variety of information, only one of which may be a URL. As such, a URL may initially be created only to the extent that it is needed to form a suitable information request to an external source, but it is not retrieving web pages based on this first request. Selection of any of the information links returns information that may be a web page, or it may contain any other non-web page related information suited to the selected content. By utilizing this dual request, modification of the incoming audio-visual stream is not needed. The unique code is the relational device used to keep the information returned to the user current. If underlying information about a particular selectable item changes, the modification is handled by an external database. As such, no subsequent modification of the incoming audio-visual signal is needed.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding Claim Rejections Under 35 USC § 103

The applicant argues that Kikinis does not disclose a CPU which creates an information request. The examiner respectfully disagrees. Kikinis discloses a CPU that is equipped with special control routines in a manner familiar to persons who use access WEB pages (col. 7, l. 38-42). Applicant further argues that Kelly fails to disclose providing an interface generator that provides a listing of program and time information. The examiner respectfully disagrees. Kelly et al. discloses accessing a database 40 in step 302 to view scheduled broadcast events (col. 6, l. 10-15)(Fig. 6). In response to the applicant's argument "nowhere does Kelly suggest that coding in the incoming audio-visual stream could be used with this customized program scheduling method," the examiner respectfully disagrees. Kelly et al. discloses an automated custom scheduling method 300 that comprises a first step 302 of accessing database 40 via network accessing device 20 to view scheduled broadcast events (col. 6, l. 8-11).

The applicant argues that Kelly et al. does not disclose "a recorder for storing user-selected information." The examiner respectfully disagrees. Kelly et al. discloses a remote control 10 that stores an activity table (AT) 204 (col. 4, l. 56-57)(Fig. 5).

The applicant argues that Kelly et al. does not disclose "display of a reminder mark." The examiner respectfully disagrees. Kelly et al. discloses generating a custom list of data for a user, which indicates bookmarks associated with a broadcast event (col. 3, l. 23-27).

The applicant argues that there is no suggestion in either Kikinis or Yagawa et al. to combine the references to form the claimed invention. The examiner respectfully disagrees. Both Kikinis and Yagawa et al. make reference to advertisements within display images on display devices. Yagawa et al. further states in the background that the efficiency of marketing

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is improved remarkably when information of goods having appeal to each individual user can be provided together with images on the basis of customer information (character and taste of users)(col. 3, l. 18-22), thereby providing customized or targeted information to a user. The examiner notes that this is sufficient motivation for combining the references.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1-13, 17-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikinis (US 5,929,849).

Referring to claim 1, Kikinis discloses a system integrating URLs with television presentations (information retrieval system)(col. 5, l. 17-26). The system comprises:

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- a TV 51 (col. 6, l. 24-27) (audio-visual display)(see Fig. 1) displays signals received from a variety of sources, such as a satellite link 15, a cable TV line 17, and a VCR input 16 (col. 5, l. 34-36).
- a set-top box 11 (transceiver) is coupled by link 20 to a TV 51 (audio-visual display)(see Fig. 1) (col. 6, l. 24-25). The set-top box 11 has components (all of which comprise an interface generator). Operating code 48 is stored in DRAM and is executable by CPU 19. Code 48 includes a WEB browser, which is adapted to access servers on the WWW (col. 6, l. 1-12)(col. 7, l. 38-42). VGA circuitry 33 has an output 20 for driving a TV 51. Refer to col. 9, l. 29-45 and Fig. 3A for a flow diagram description of how the URLs (information links for requesting access to a database based on a unique code) are displayed on the TV 51 (audio-visual display)(col. 3, l. 49-53). At step 107 a Network Interface Module (NIM) is initialized and dial-up (A/V connection) is accomplished, providing Internet access for the receiving system (col. 9, l. 54-56). At step 109 the dynamic URL associated with the enhanced entity is presented on the Internet, and the associated WEB page is downloaded (col. 9, l. 61-63).
- an infrared communicating remote 63 adapted for conventional remote functions and also for cursor control and selection by directional buttons 67 and selection buttons 69. Infrared communication from remote 63 is to receiver 65 in the set-top box (controller in communication with transceiver. Conventional remote functions allow a user to select and view selected audio-visual information from

a signal source. Commands issued from the remote control 63 are coupled to the CPU 19 through the receiver 65)(col. 6, l. 26-31) (Fig. 1).

Referring to claim 2, Kikinis discloses receiver components (all of which comprise an interface generator) (Fig. 1), which provide a BMW emblem overlay 57 on audio-visual display 55 (col. 6, l. 50-63)(Fig. 2A).

Referring to claim 3, Kikinis discloses a remote control 63, with which a user can manipulate a cursor to touch a region of an emblem 57 (emblem is a link to a WWW URL (col. 7, l. 4-9, 65-67)(Fig. 2A)) and then actuate a selection signal, such as pressing one of the buttons 69 on the remote. On receipt of the selection signal with the cursor touching the BMW emblem, the system executes browser routines, accessing the WWW, and dials up the WEB server maintained by BMW on the WWW (col. 7, l. 58-64) (actuator for activating and interfacing with internet links displayed on said audio-visual display).

Referring to claim 4, Kikinis discloses receiver components (all of which comprise an interface generator) (Fig. 1). Fig. 2C illustrates a TV display (audio-visual display) with a scrollable webpage (col. 8, l. 1-22) (list of information), which is generated within the receiver components (list generator) as described in the flow diagram of Fig. 3A (col. 9, l. 24-65).

Referring to claim 5, Kikinis discloses that the receiver components (list generator) provide a WEB page that is downloaded and displayed in a window 71 (picture-in-picture window) over the TV display (col. 8, l. 5-8) (Fig. 2C).

Referring to claim 6, Kikinis discloses a window 71 (picture-in-picture window) that displays a WEB page at the same time as the TV display continues. In addition, the interactive areas in the window relating to additional information or related WEB pages can be activated

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with cursor 70 and selector buttons 69, just as though the WEB page in the superimposed window is a page displayed on a computer monitor via a conventional WEB browser (picture-in-picture window provides for continuous display of both information retrieval system provided information and information received from a broadcast signal source) (col. 8, l. 5-15) (Fig. 2C).

Referring to claim 7, Kikinis discloses a set-top box 11 (transceiver) that has a WEB browser that is adapted to access servers on the WWW, such as server 54 shown connected to link 37 (transceiver receives information from Internet) (col. 6, l. 1-12) (Fig. 1).

Referring to claim 8, Kikinis discloses a set-top box 11 (transceiver) that receives signals from a satellite link 15 (standard RF television signal reception) (col. 5, l. 34-35) (Fig. 1).

Referring to claim 9, Kikinis discloses a set-top box 11 (transceiver) that receives signals from a cable TV line 17 (broadcast system) (col. 5, l. 34-37) (Fig. 1).

Referring to claim 10, Kikinis discloses a set-to box 11 (transceiver) that receives signals from a VCR input 16 (recorded media) (col. 5, l. 34-37) (Fig. 1).

Referring to claim 11, Kikinis discloses a window 71 (picture-in-picture window) that displays a WEB page (information) (col. 8, l. 5-8) (Fig. 2C). The WEB page provided is selected by the viewer (information based on the user's selection) by manipulating a cursor to touch the region of the emblem 57 and then actuating a selection signal, such as pressing one of the buttons 69 on the remote (controller)(col. 6, l. 50-63).

Referring to claim 12, Kikinis discloses a set-top box 11 comprising:

- a central processing unit 19 (CPU) (col. 5, l. 35).
- ROM 47 and dynamic random access memory (DRAM) 49 coupled to the CPU 19 (digital memory electrically connected to the CPU) (col. 6, l. 1-6) (Fig. 1).

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- a set-top box 11 comprising a receiver 65 through which communication from a remote 63 is coupled to a CPU 19 (a remote control interface electrically connecting said processor to a remote controller)(col. 8, l. 26-31) (Fig. 1).
- a decoder/tuner 13, a MPEG decoder 25, and a VGA chip set 33 (audio-visual module), each of which are connected to the CPU 19 (col. 5, l. 34-55)(Fig. 1).
The decoder/tuner 13 receives signals from a variety of sources, such as a satellite link 15, a cable TV line 17, and a VCR input 16 (audio-visual signal source). The decoder/tuner is coupled to the MPEG decoder 25 by link 29 (col. 5, l. 49-50)(Fig. 1). The MPEG decoder 25 is coupled to the VGA chip set 33 by link 31 (col. 5, l. 50-52)(Fig. 1). The VGA chip set 33 drives a TV screen 51 or a computer display 53 (audio-visual display) (col. 5, l. 52-54) (Fig. 1).

Referring to claim 13, Kikinis discloses a remote control 63, with which a user can actuate a selection signal (col. 7, l. 44, 59), comprising:

- buttons 69 on the remote, which allow the user to actuate a selection signal (col. 7, l. 59-60)(Fig. 1)
- infrared communication means (col. 6, l. 27-28) from remote 63 to receiver 65 in the set-top box (col. 6, l. 30-32)(Fig. 1)

Referring to claim 17, Kikinis discloses a system by which individual images in TV presentations ... are linked with URLs in a manner that a viewer may select such images, and by so doing, invoke a linked URL, which leads to a WEB location providing information related to the image (method for generating and displaying audio-visual information received from the internet and at least one other audio-visual source)(col. 5, l. 19-23)(Fig. 1), comprising:

- receiving a data stream (audio-visual signal) bearing entity data and one or more dynamic URLs in a data region separate from image frame data in step 83(col. 9, l. 29-35)(Fig. 3A)
- presenting a normal TV picture (displaying audio-visual signal) in step 89 by the conventional TV elements of the receiving interactive system. Processing data from the inter-frame regions to enhance the identified entity in step 91, and accomplishing that enhancement in step 93 (audio-visual signal comprises selectable item)(col. 9, l. 40-46)(Fig. 3A)
- providing pointer input to activate and manipulate a cursor on the TV screen in step 95. Processing the input at step 97. Moving the cursor to the area of the enhanced entity image at step 99. Activating a selection input at step 101, processing the input at step 103, and selecting the enhanced entity at step 105 (col. 9, l. 46-52)(Fig. 3A)
- presenting on the Internet the dynamic URL associated with the enhanced entity in step 109 (generating and sending an Internet address associated with selected item)(col. 9, l. 61-62)(Fig. 3A)
- downloading the WEB page associated with the enhanced entity related URL at step 109 (receiving information from the internet for internet address of displayed item from audio-visual signal)(col. 7, l. 57-65)(col. 9, l. 61-62)(Fig. 3A)
- displaying the WEB page at step 111(displaying selected information on an audio-visual display)(col. 8, l. 3-8)(col. 9, l. 63-65)(Fig. 3A)

Referring to claim 18, Kikinis discloses a method comprising:

- providing a list 71 (Fig. 2C), noting that the list on the BMW home page is related to the BMW advertisement
- activating list 71 upon user selection of icon 57 (col. 7, l. 57 and col. 8, l. 22) (Fig. 2C)
- identifying a link in list 71 for user selection (col. 7, l. 57 and col. 8, l. 22)(Fig. 2C)
- displaying identified item on audio-visual display (Fig. 2C). It is noted that the identified items are displayed.
- further action the view may take with the WEB page, selecting related information, jumping to related sites on the WWW, and interacting with the WEB page by selecting a link from list 71. Thus Kikinis discloses the claimed “communicating the selection of said item to a computer device for said generation of an associated information request.”

Referring to claim 19, Kikinis discloses a method comprising:

- a WEB page that is displayed in a window 71 over the TV display (opening a display window on the audio-visual display device)(col. 8, l. 6-7)(Fig. 2C)
- downloading and displaying a WEB page in a window 71 after viewer selection of a URL associated entity (inserting selected information in said opened display window)(col. 7, l. 56-67 and col. 8, l. 1-8)(Fig. 2C)

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- continuing TV display while a WEB page is downloaded and displayed in window 71 over the TV display (continuing display of audio-visual information from an audio-visual information source)(col. 8, l. 5-8)(Fig. 2C)

Referring to claim 20, Kikinis discloses a method for selecting links and displaying program demonstrative videos (col. 8, l. 23-37).

Referring to claim 21, Kikinis discloses the example of a BMW advertisement, wherein the viewer can select a car associated with a URL in order to receive information about the car (selecting information step comprises selecting product information)(col. 6, l. 64-67 and col. 7, l. 1-17)(Fig. 2A, 2C).

Referring to claim 22, Kikinis discloses that political information can be accessed from political spots having an active region (selecting information step comprises selecting service information)(col. 9, l. 14-17).

Referring to claim 23, Kikinis discloses that political information can be accessed from political spots having an active region (selecting information step comprises selecting public service information)(col. 9, l. 14-17).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis (US 5,929,849) in view of Kelly et al (US 5,907,322).

Referring to claim 14, Kikinis discloses a system integrating URLs with television presentations (information retrieval system)(col. 5, l. 17-26). Kikinis does not disclose an interface generator, which provides listings of program and time information on an audio-visual display, upon command of a controller. Kelly et al. discloses a method whereby a user accesses a database 40 in step 302 to view scheduled broadcast events. In step 304, the viewer selects the set of broadcast events to be viewed. Then a custom schedule is generated identifying the date, time, and channel of all selected events in step 306 (interface generator provides listings of program and time information on audio-visual display, upon command of a controller)(col. 6, l. 8-15)(Fig. 4,6). It would have been obvious to modify Kikinis to include an interface generator providing listings of program and time information on an audio-visual display, upon command of a controller, such as that taught by Kelly et al. in order to provide a viewer with program information and schedules.

Referring to claim 15, Kikinis discloses a communicating remote 63. Kikinis does not disclose a controller comprising a recorder for storing user-selected information. Kelly et al. discloses a remote control 10 that stores an activity table (AT) 204 (controller comprising a recorder for storing user-selected information)(col. 4, l. 56-61 and col. 2, l. 55-65)(Fig. 5). It would have been obvious to modify Kikinis to include a controller comprising a recorder for storing user-selected information such as that taught by Kelly et al. in order to allow for different arrangements of accessing a network with stored user information and to enable the easy retrieval and display of information (col. 1, l. 45-50).

Referring to claim 16, Kikinis discloses a communicating remote 63. Kikinis does not disclose an actuator comprising a mark button for use by the user in commanding an interface generator to display a reminder mark corresponding to a selected audio-visual program. Kelly et al. discloses a Bookmark button 15. When pressed, the remote control 12 sends a wireless signal comprising a command to a CPU 216 to store an AR entry into AT 204 inside network access device 21, thereby “bookmarking” the broadcast event for later lookup (col. 3, l. 40-44)(Fig. 2). Kelly et al. further discloses generating a custom list of data for a user, which indicates bookmarks associated with a broadcast event (col. 3, l. 23-27). It would have been obvious to modify Kikinis to include a mark button for use by the user in commanding an interface generator to display a reminder mark corresponding to a selected audio-visual program, such as that taught by Kelly et al. in order to allow a viewer to bookmark broadcast events for later lookup.

10. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis (US 5,929,849) in view of Yagawa et al (US 6,957,131). Kikinis discloses a system by which individual images in TV presentations ... are linked with URLs in a manner that a viewer may select such images, and by so doing, invoke a linked URL, which leads to a WEB location providing information related to the image (method for generating and displaying audio-visual information received from the internet and at least one other audio-visual source)(col. 5, l. 19-23)(Fig. 1). Kikinis does not disclose that the system comprise inquiring of a user for user information. Yagawa et al. discloses an individual information management program 411 that manages the user's individual information 413 and sends the individual information to a WWW server 401 (comprising inquiring of a user for user information)(col. 17, l. 30-53)(Fig. 19). It

would have been obvious to Kikinis to include a method for inquiring of a user for user information such as that taught by Yagawa et al. in order to provide customized or targeted information to a user.

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571.272.5968. The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571.272.7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Van Handel
Examiner
Art Unit 2617

MVH



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